



PATENT  
Docket No. 220002060725

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL779889845US Date of Deposit: December 19, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

*Tamara Alcaraz*  
Tamara Alcaraz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael J. MAHAN et al.

Serial No.: 09/928,227

Filing Date: August 9, 2001

For: METHOD OF REDUCING BACTERIAL  
PROLIFERATION

Examiner: To Be Assigned

Group Art Unit: 1645

STATEMENT TO SUPPORT FILING AND SUBMISSION  
IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Box Sequence  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

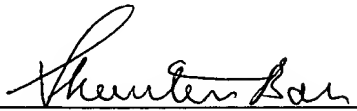
The undersigned hereby states that the content of the attached papers and the computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due to our Deposit account no. 03-1952 (referencing 220002060725).

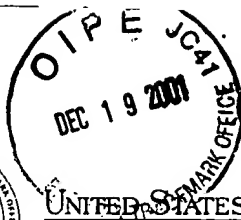
However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 19, 2001

By:   
Shantanu Basu  
Registration No. 43,318

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5995  
Facsimile: (650) 494-0792



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/928,227	08/09/2001	Michael J. Mahan	REME001

CONFIRMATION NO. 7979

FORMALITIES LETTER



\*OC000000006587395\*

Karl Bozicevic  
Bozicevic, Field and Francis LLP  
Suite 200  
200 Middlefield Road  
Menlo Park, CA 94025

Date Mailed: 09/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$628.
  - \$468 for 26 total claims over 20.
  - \$160 for 2 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1468.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

09928227

01/03/2002 00000003 031952

02 FC:201	370.00 CH
03 FC:202	84.00 CH
04 FC:203	234.00 CH
05 FC:205	65.00 CH

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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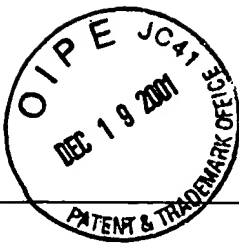
*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



12/28/01

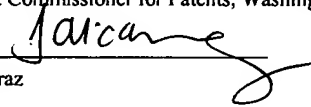
# 8 Receipt

PATENT  
Docket No. 220002060725

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Tamara Alcaraz

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Michael J. MAHAN et al.

Serial No.: 09/928,227

Filing Date: August 9, 2001

For: METHOD OF REDUCING BACTERIAL  
PROLIFERATION

Examiner: To Be Assigned

Group Art Unit: 1645

**REQUEST FOR A CORRECTED FILING RECEIPT**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The corrections needed are as follows:

Attorney Docket No.

Delete "REME001" and insert therefor: --220002060725--.

Title

Delete "Method of creating antibodies and compositions used for same" and insert therefor:

--METHOD OF REDUCING BACTERIAL PROLIFERATION--.

A copy of the marked-up Filing Receipt is attached.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952 (referencing 220002060725)**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 19, 2001

By:



Shantanu Basu  
Registration No. 43,318

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5995  
Facsimile: (650) 494-0792



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 2023  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/928,227	08/09/2001	1645	0.00	REME001 220002060725	8	46	5

CONFIRMATION NO. 7979

## FILING RECEIPT



\*OC00000006587394\*

Karl Bozicevic  
Bozicevic, Field and Francis LLP  
Suite 200  
200 Middlefield Road  
Menlo Park, CA 94025

RECEIVED

OCT 10 2001

MORRISON &amp; FOERSTER, LLP

Date Mailed: 09/21/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Michael J. Mahan, Santa Barbara, CA;  
Douglas M. Heithoff, Goleta, CA;  
David A. Low, Goleta, CA;  
Robert L. Sinsheimer, Santa Barbara, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/612,116 07/07/2000  
WHICH IS A CIP OF 09/495,614 02/01/2000  
WHICH CLAIMS BENEFIT OF 60/183,043 02/02/1999 ABN  
AND CLAIMS BENEFIT OF 60/198,250 05/05/1999 ABN

## Foreign Applications

DOCKETED

If Required, Foreign Filing License Granted 09/20/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

DOCKETED

424

**Date:** 09/21/2001







PTO/SB/21 (08-00)

Please stamp &amp; sign (+) inside this box →

Approved for use through 10/31/02. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>Application Number</b>	09/928,227		
	<b>Filing Date</b>	August 9, 2001	
	<b>First Named Inventor</b>	Michael J. MAHAN	
	<b>Group Art Unit</b>	1845	
	<b>Examiner Name</b>	To Be Assigned	
<b>Total Number Of Pages In This Submission</b>	36 + 1 DISK	<b>Attorney Docket No.</b>	220002060725

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page in duplicate)	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s) (8 sheets substitute)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Preliminary Amendment (4 pages)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request (1 page)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address (3 pages)	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Declaration (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Statement Under 37 CFR 3.73(b) (1 page)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Copy of Assignment (2 pages)
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application		Request for Corrected Filing Receipt (2 pages)
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 (2 pages)		Copy of Marked Up Filing Receipt (2 pages)
		Change of Correspondence Address (2 pages)
		Statement to Support Filing (2 pages)
		Sequence Listing (2 pages)
		1 Diskette in Computer Readable Format
		Return receipt postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

<b>Firm or Individual Name</b>	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018
<b>Signature</b>	
<b>Date</b>	December 19, 2001

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Tamara Alcaraz

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL FOR FY 2002

## Complete if Known

Application Number 09/928,227  
 Filing Date August 9, 2001  
 First Named Inventor Michael J. MAHAN  
 Examiner Name To Be Assigned  
 Group Art Unit 1645  
 Attorney Docket No. 220002060725

TOTAL AMOUNT OF PAYMENT

(\$808.00)

Patent fees are subject to annual revision.

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952  
 Deposit Account Name Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$370)

#### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
46 - 20 = 26	x 9	= \$ 234	
Independent Claims 5 - 3 = 2	x 42	= \$ 84	
Multiple Dependent		= \$ 0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$318.00)

\*\* or number previously paid, if greater; For reissues, see above.

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$120.00)

### SUBMITTED BY

Name (Print/Type)	Shantanu Basu	Registration No. (Attorney/Agent)	43,318	Telephone	(650) 813-5995
Signature	<i>Shantanu Basu</i>	Date	December 19, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

pa-652725